

AMENDED IN SENATE APRIL 21, 2008
AMENDED IN ASSEMBLY MAY 30, 2007
AMENDED IN ASSEMBLY MAY 10, 2007
AMENDED IN ASSEMBLY MARCH 22, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

Assembly Concurrent Resolution

No. 24

Introduced by Assembly Member Blakeslee
(Principal coauthor: Assembly Member Benoit)
(Coauthors: Assembly Members *Huff*, Karnette, Ma, Nakanishi,
Parra, and Solorio)
~~(Coauthor: Senator Harman)~~ *Coauthors: Senators Cogdill, Harman, and*
Margett)

February 20, 2007

Assembly Concurrent Resolution No. 24—Relative to correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

ACR 24, as amended, Blakeslee. Correctional facilities: reimbursement.

This measure would urge the Governor to demand the federal Bureau of Justice Assistance to reimburse the State of California for all costs of incarcerating undocumented foreign nationals, as required by federal law.

Fiscal committee: yes.

1 WHEREAS, Immigration policy and controlling our nation's
2 borders are clear, fundamental responsibilities of the federal
3 government; and

4 WHEREAS, The federal government has failed to discharge its
5 fundamental responsibilities, and, as a consequence, high-impact
6 states like California face extraordinary costs associated with
7 incarcerating undocumented foreign nationals; and

8 WHEREAS, The State Criminal Alien Assistance Program
9 (SCAAP), governed by the federal Immigration and Nationality
10 Act, requires the federal government to reimburse the State of
11 California and local government for the costs of incarcerating
12 undocumented foreign nationals; and

13 WHEREAS, SCAAP provides federal payments to states and
14 localities that ~~incurred~~ *incur* costs for incarcerating criminals who
15 were born outside the United States or one of its territories and
16 ~~had~~ *have* no reported or documented claim to United States
17 citizenship, ~~had~~ *have* at least one felony or two misdemeanor
18 convictions for violations of state or local law, and who are
19 incarcerated for at least four consecutive days during the reporting
20 period; and

21 WHEREAS, The United States Department of Justice through
22 the Bureau of Justice Assistance (BJA) administers SCAAP, in
23 conjunction with the Bureau of Immigration and Customs
24 Enforcement, Department of Homeland Security; and

25 WHEREAS, The annual cost of incarcerating an inmate at a
26 state prison is now \$43,287, according to statistics from the
27 Legislative Analyst's Office; and

28 WHEREAS, For the last reporting period by the BJA, the State
29 of California received \$85,953,191 in reimbursement for 30,646
30 eligible inmates, a return of \$2,805 per inmate; and

31 WHEREAS, Much of the incarcerating costs are borne by
32 counties, most of which traditionally operate with slim budgets
33 and staffing; and

34 WHEREAS, For the last reporting period by the BJA, counties
35 and cities in California received \$35,157,447 in reimbursement
36 for 61,068 eligible inmates, a return of \$576 per inmate; and

37 WHEREAS, Despite the continued increasing costs associated
38 with the incarceration of undocumented foreign nationals, no funds
39 are provided for SCAAP, for the purposes of assisting states, in
40 the President's 2007–08 budget request; and

1 WHEREAS, The federal government has not met its national
2 immigration policy obligations or adequately compensated the
3 State of California or its local governments for the costs of
4 incarcerating undocumented foreign nationals in its prisons and
5 jails; now, therefore, be it

6 *Resolved by the Assembly of the State of California, the Senate*
7 *thereof concurring*, That the Legislature hereby urges the Governor
8 to demand the BJA to reimburse the State of California for all costs
9 of incarcerating undocumented foreign nationals; and be it further

10 *Resolved*, That the Chief Clerk of the Assembly transmit copies
11 of this resolution to the author for appropriate distribution.

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